

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DWIGHT L. TUCKER,

)

8:11CV445

)

Petitioner,

)

)

v.

)

MEMORANDUM

AND ORDER ON APPLICATION

ROBERT HOUSTON, Director, and

)

TO PROCEED IN DISTRICT

FRED BRITTEN, Warden,

)

COURT WITHOUT PREPAYING

)

FEEES OR COSTS

Respondents.

)

The Petitioner Dwight L. Tucker (“Tucker”) has filed a Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody under [28 U.S.C. § 2254](#) (filing no. [1](#)) and an Application to Proceed in District Court Without Prepaying Fees or Costs (filing no. [2](#)).

Habeas corpus cases attacking the legality of a person’s confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering Tucker’s financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and Tucker is relieved from paying the fee at this time.

IT IS THEREFORE ORDERED that the Application to Proceed in District Court Without Prepaying Fees or Costs (filing no. [2](#)) is provisionally granted and Tucker will not be required to pay the \$5.00 fee at this time.

Dated January 10, 2012.

BY THE COURT

s/ Warren K. Urbom

United States Senior District Judge